

EXHIBIT A

Index of Defendants' Arguments and the Nation's Responses¹

Key:

AB: Amneal's Opening Brief in Support of Motion to Dismiss Based on Improper Service, Improper Service of Process, and Lack of Personal Jurisdiction

DB: AmerisourceBergen, Cardinal, and McKesson's Opening Brief in Support of Motion to Dismiss

GB: Generic Manufacturers' Opening Brief in Support of Motion to Dismiss

MB: Manufacturer Defendants' Opening Brief in Support of Motion to Dismiss

PB: CareFirst, City Drug, Cityplex, Couch, CVS, Economy Pharmacy, Ernie's, Freeland, Gaddy, M&D, Omnicare, Pippenger, Reasor's, Rogers, Spoon, Walgreens, and Walmart's Opening Brief in Support of Motion to Dismiss

Issues	Defendants' Arguments	Nation's Response
Arguments Applicable to Multiple Counts		
Article III Standing	PB § I (page 2)	§ I
Preemption	GB §§ I, III.C, III.D (pages 2-3, 7, 12-23) MB Introduction, § IV (pages 2, 42-48)	§ II
Causation, Including the Learned Intermediary Doctrine	DB § V (pages 21-23) GB §§ I, III.B, III.D (pages 4, 7, 10, 23) MB § I.A (pages 4-17) PB §§ II, IV (pages 3-7)	§ III
Injury, Including the Economic Loss Doctrine and the Derivative Injury Rule	GB § III.D (page 23) MB Introduction, §§ I.A.1, II.A, II.B (pages 2, 8, 19-25)	§ IV
Particularity & Group Pleading	DB § VII (pages 25-26) GB §§ I, II, III.B, III.D (pages 1-4, 7-12, 23) MB Introduction, § V.A (pages 3, 49-58) PB Introduction §§ II, III (pages 1-4)	§ V
Statute of Limitations	MB § V.B (pages 58-67)	§ VI
Improper Service of Process & Personal Jurisdiction	AB	§ VII

¹ The Nation and the respective Defendants have mooted CVS's Motion to Dismiss for Lack of Personal Jurisdiction and Walgreens' Motion to Dismiss for Lack of Personal Jurisdiction. See Unopposed Motion to Dismiss CVS Health Corporation, No. 1:18-op-45459-DAP (N.D. Ohio) ECF No. 81 (dismissing CVS Health Corporation without prejudice); Unopposed Motion to Dismiss Walgreens Boots Alliance, Inc., No. 1:18-op-45459-DAP (N.D. Ohio) ECF No. 82 (dismissing Walgreens Boots Alliance, Inc. without prejudice). The Nation therefore does not include those motion in this index.

Exhibit A to the Muscogee (Creek) Nation's Consolidated Opposition to Defendants' Motions to Dismiss

Issues	Defendants' Arguments	Nation's Response
Arguments Applicable to Specific Counts		
Nuisance	DB § IV (pages 15-21) GB § III.D (page 23) MB Introduction, § III.A (pages 2, 34-38) PB § V.D (page 13)	§ VIII.A
Negligence and Negligence Per Se	DB § III (pages 9-15) GB § III.D (page 23) MB §§ I.B, II.F (pages 17-19, 31-33) PB § V.B (pages 8-11)	§ VIII.B
Unjust Enrichment	DB § VI (pages 23-25) GB § III.D (page 23) MB Introduction, § III.B (pages 2, 39-42) PB § V.F (page 14)	§ VIII.C
Civil Conspiracy	DB § VII (pages 25-26) MB § V.C (pages 67-68) PB § V.E (pages 13-14)	§ VIII.D
RICO	DB § I (pages 3-5) GB § III.D (page 22) MB §§ II.C, V.A.2 (pages 25-27, 55-57) PB § V.A (pages 7-8)	§ VIII.E
Lanham Act	DB § II (pages 5-9) MB § II.D (pages 28-29) PB § V.C (pages 11-12)	§ VIII.F

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